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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,439
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Ognyan I. Beremski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/09/2008 appealing from the Office action mailed 07/30/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0135860	Dureau et al	07-2003
7,065,778	Lu et al	06-2006
2003/0066084	Kaars et al	04-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims **1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30, & 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dureau (US Patent Application Publication No. 2003/0135860 A1)** in view of **Lu (US Patent No. 7,065,778 B1)**.

With respect to Claim **1**, the claimed “*receiving a media file from a communication network at a first home in a first geographic location, said media file received from outside said first home*” is met by Dureau that discloses the use of a proxy receiver, **12**, receiving media files from various sources of programming (Broadcast Station **16**, Internet **60**, Source **13, 18, & 19**) via a transmission medium, **17**, (satellite **23**, cable **24**, terrestrial **25**) at a first location **50** at a given first geographic location (*Fig.1; Abstract; paragraph [0024], [0028], & [0033]*). The claimed “*determining within said first home, a first format of said received media file*” is met by Dureau that discloses the use of a proxy receiver, **12**, in detecting the data that it is receiving at a first location **50**- whereby the

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receiving device 12 may comprise such devices as a set-top box, a television, a video cassette recorder, a personal video recorder, a personal digital assistant, a personal computer, a video game console, or a mobile/cell phone (*Abstract; Fig. 1; paragraph [0012], [0023], [0028], [0043], & [0047]*).

The claimed *"converting within said first home, said received media file from said first format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location"* is met in part by Dureau that discloses the converting of received data by a proxy receiver, **12**, from a first format to a second format and the use of any number of receiving devices, **30A-N**, including a television for the display of the transcoded data at the same geographic location (*Abstract; Figs. 1, 2 & 4; paragraphs [0012], [0028], & [0035-0037]*). The Dureau reference is silent with respect to the *"presentation and/or playback on a television screen within a second home in a second geographic location"*.

However, in the same field of endeavor, the Lu reference teaches the use of a personalized video recorder (PVR) in transmitting recorded media from a first geographic location to a second geographic location for viewing on display device 212 (*Abstract; Figs. 2-4; col. 2, lines 25-28; col. 6, lines 54-58; col. 7, lines 47-53; col. 9, lines -20-26; col. 10, lines 10-15, 26-38; col. 11, line 66 to col. 12, line 2; col. 13, lines 47-51; col. 14, line 65 to col. 15, line 2*). It would have been obvious to one skilled in the art, at the time of the invention, to have combined the Dureau reference with that of the Lu reference in order to allow transcoded data to be transferred from a first geographic location to a second geographic location. A person of ordinary skill in the art would have been motivated to

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make such a modification to the Dureau reference in order to ensure proper presentation and/or playback of transmitted data sent from a first geographic location to a second geographic location.

With respect to Claim **2**, the claimed *“comprising one or both of decoding and/or decrypting said received media file within said first home”* is met by Dureau that discloses the use of a proxy receiver, **12**, within a first location, **50**, in de-multiplexing a multiplexed data signal received via a digital satellite transmission to obtain a compressed television program and/or interactive applications in it (*Fig.4; paragraphs [0028] & [0036-0038]*).

With respect to Claim **3**, the claimed *“comprising transcoding said received media file within said first home from said first format to said second format”* is met by Dureau that discloses the transcoding of received data by a proxy receiver, **12**, from a first format to a second format within a first location, **50** (*Abstract; Figs.1, 2 & 4; paragraphs [0012], [0028], & [0035-0037]*).

With respect to Claim **4**, the claimed *“comprising directly transferring said converted media file to at least one media peripheral located within first home”* is met by Dureau that discloses the transferring of the transcoded data from the proxy receiver, **12**, to a number of receivers, **30_{A-N}**, which may be a set-top box (STB), a television (TV), a video cassette recorder (VCR), a personal video recorder (PVR), a personal digital assistant (PDA), a personal computer (PC) a video game console, and/or a mobile/cell phone (*Fig.1,3,&4; paragraphs [0012], [0028], [0033], [0035], [0037], & [0044]*).

With respect to Claim **5**, the claimed "*comprising distributing said converted media file to one or both of a media peripheral within said first home and/or a media peripheral within a second home via one or both of a wired and/or a wireless connection*" is met by Dureau that discloses the use of a proxy receiver, **12**, in converting received data from one format to another and distributing converted data to a number of receivers, **30A-N**, via a wired/wireless connection (*Abstract; Figs.1&3; paragraphs [0033-0035] & [0037]*).

With respect to Claim **7**, the claimed "*comprising storing said converted media file in one or both of a network attached storage and/or a storage area network within one or both of the first home and/or a said second home*" is met by Dureau that discloses the use of a mass storage unit, **314**, in storing the transcoded content (*Fig.5; paragraphs [0038], [0042] & [0043]*).

With respect to Claim **8**, the claimed "*comprising: retrieving said stored converted media file; and displaying on said television screen within said first home, said retrieved converted media file*" is met by Dureau that discloses the storage of transcoded data in mass storage device, **314**, prior to transmission, such as format **530A** destined for television output (*Fig. 5; paragraph [0043]*).

With respect to Claim **10**, the claimed "*wherein said received media file is one or more of audio, video, image, graphical, and/or textual media file*" is met by Dureau that discloses the receiving of audio, video, still images, text, interactive graphics and applications by a receiver (**12**) that has the ability to transcode data from one format to a second format (*Figs.1,3,&5; paragraphs [0004], [0005], [0010], [0038], & [0039]*).

Claim **11** is met as previously discussed with respect to Claim **1**.

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Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **20** is met as previously discussed with respect to Claim **10**.

Claim **21** is met as previously discussed with respect to Claim **1**. In addition, Dureau discloses control units (**302**, **502**) within the proxy receiver (**12**) and the transcode subsystem (**310**) responsible for receiving data, the detection of the data, and the transcoding of the data (*Fig. 1, 4, & 5; paragraphs [0038] & [0043]*).

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **30** is met as previously discussed with respect to Claim **10**.

With respect to Claim **31**, the claimed "*wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor*" is met Dureau that discloses the use of control units (**302**,

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502) within the proxy receiver (**12**) and the transcode subsystem (**310**) responsible for receiving data, the detection of the data, and the transcoding of the data (*Fig. 1, 4, & 5; paragraphs [0038] & [0043]*).

2. Claims **6, 9, 16, 19, 26, & 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dureau (US Patent Application Publication No. 2003/0135860 A1)** in view of **Lu (US Patent No. 7,065,778 B1)** as applied to Claims **1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30, & 31** above, and further in view of **Kaars (US Patent Application Publication No.2003/0066084 A1)**.

With respect to Claim **6**, the claimed "*comprising receiving authorization for said distributing of said converted media file to said at least one media peripheral within said second home*" is not explicitly taught by the Dureau reference in view of the Lu reference. However, in the same field of endeavor, the Kaars reference teaches a system in which a user can input, via a user interface (**116**), an indication of a particular playback device, in the form of a numeric code, that will received transcoded data, such as a PC (**142**), at a possible 2nd location, connected to a data transcoding device (**100**) via an internet connection (*Figs. 1 & 2; paragraphs [0015], [0025], [0028]*).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the system taught by the Dureau reference, in view of the Lu reference, with that of the system taught by the Kaars reference in order to increase the functionality and to allow a user the ability to authorized the transfer of transcoded data from a first location to a second location. A person of ordinary skill in the art would have

been motivated to make such a modification to the Dureau reference in order to provide a user at a second location with media files that otherwise cannot be viewed.

With respect to Claim **9**, the claimed "*comprising storing said received media file prior to said converting in one or more of a network attached storage, a storage server and/or a storage area network located at said first home*" is met by the Kaars reference that teaches the storage of received data in storage device (**110**) prior to the transcoding of the data (*Figs. 1-3; paragraphs [0010], [0022], [0027]*).

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **29** is met as previously discussed with respect to Claim **9**.

(10) Response to Argument

The examiner respectfully disagrees that the rejection should be reversed. Only those actual arguments raised by appellant's are being treated in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued that the appellant could have made are considered by the examiner as having been conceded by the appellant for the basis of the decision of this appeal. Accordingly, they are not being addressed by the examiner for further consideration by the panel. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it

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is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.

Rejection Under 35 U.S.C. 103 (a) over Dureau and Lu

A. Independent claims 1, 11, and 21

The rejection of record initially relies upon Dureau to teach a method for providing media in a communication network. The Dureau et al reference discloses and relies upon to teach receiving a media file from a communication network at a first home in a first geographic location, said media file received from outside said first home. Wherein, use of proxy receiver 12, receiving media files from various sources of programming (Broadcast station 16, internet 60, sources 13, 18, and 19) via transmission medium 17 (satellite 23, cable 24, and terrestrial 25) at a first location 50 at a given first location. (Figure 1; Abstract; Paragraphs 0024, 0028 and 0033)

The claimed "determining within said first home, a first format of said received media file" is met by Dureau that discloses the use of a proxy receiver, 12, in detecting the data that it is receiving at a first location 50- whereby the receiving device 12 may comprise such devices as a set-top box, a television, a video cassette recorder, a personal video recorder, a personal digital assistant, a personal computer, a video game console, or a mobile/cell phone (Abstract; Fig. 1; paragraph [0012], [0023], [0028], [0043], a [0047]).

The claimed "converting within said first home, said received media file from said first format to a second format compatible for one or both of *presentation and/or*

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playback on a television screen within a second home in a second geographic location"

is met in part by Dureau that discloses the converting of received data by a proxy receiver, 12, from a first format to a second format and the use of any number of receiving devices, 30A-N, including a television for the display of the transcoded data at the same geographic location (Abstract; Figs. 1,2&4; paragraphs [0012], [0028], & [0035- 0037]). However, The Dureau reference is silent with respect to the "presentation and/or playback on a television screen within a second home in a second geographic location".

The rejection consequently relies upon Lu et al to teach presentation and/or playback on a television screen within a second home in a second geographic location. In general Lu et al reference teaches the use of a personalized video recorder (PVR) in transmitting recorded media from a first geographic location to a second geographic location for viewing on display device 212 (Abstract; Figs. 2-4; col.2, lines 25-28; col.6, lines 54-58; col.7, lines 47-53; col.9, lines -20-26; col. 10, lines 10-15, 26-38; col. 11, line 66 to col. 12, line 2; col. 13, lines 47-51; col. 14, line 65 to col. 15, line 2).

Accordingly, the examiner concluded it would have been obvious to one skilled in the art, at the time of the invention, to have combined the Dureau reference with Lu reference in order to allow transcoded data to be transferred from a first geographic location to a second geographic location. A person of ordinary skill in the art would have been motivated to make such a modification to the Dureau reference in order to ensure proper presentation and/or playback of transmitted data sent from a first geographic location to a second geographic location.

Appellant argues Dureau et al and Lu et al, the combination does not disclose or suggest at least limitation of “converting within said first home, said received media file from said first format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location” as recited in claim 1, the examiner respectfully disagrees. The examiner agrees with appellant with respect to Dureau being silent on limitation “presentation and/or playback on a television screen within a second home in a second geographic location.” Appellant states that presentation/playback language present in claim 1 namely relates to and further clarifies, the relevant functionality of converting. However, converting from first format to second format is done only at the first location with respect to present claim language. The examiner points out that presentation/playback done at a second location is simply playing media files and not explicitly to converting any media files. Furthermore, present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location. The second format could simply aim at presenting media file at the first location. Dureau et al teaches converting of media file from one format to another based on target secondary device and Lu et al teaches transmitting of files from one geographic location to a second geographic location for viewing on display device.

Therefore, the proposed combination of Dureau et al and Lu et al does render limitation “converting within said first home, said received media file from said first

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format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location.”

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 11 and 21 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

B. Dependent claims 2, 12, and 22

Appellant argues that claim 2 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest decoding and/or decrypting said received media files within said first home. The examiner respectfully disagrees. As previously discussed, de-multiplexing a multiplexed data signal received via a digital satellite transmission to obtain a compressed television program and/or interactive application. (Figure 4; Paragraphs 0028, 0036-38). To further clarify examiner's position, examiner points to Paragraph 0006, this discloses integrated receiver decoder, which can be implemented in STB or television that separates interactive portion from A/V portion and decompresses respective portion of the signal. Accordingly, claims 2, 12 and 22 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

C. Dependent claims 3, 13, and 23

Appellant argues that claim 3 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al

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neither discloses nor suggest transcoding said received media file within said first home from said first format to second format. The examiner respectfully disagrees. As previously discussed, received data by a proxy receiver 12, from a first format to second format within a first location 50 (Abstract; Figs 1, 2, and 4; Paragraphs 0012, 0028, and 0035-37) In general, transcoding means converting received data from one format to another. Appellant further argues "second format" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language (one or both of presentation and/or playback) does not limit second format strictly to playback at a second geographic location. The second format could simply aim at presenting media file at the first location.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 3, 13 and 23 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

D. Dependent claims 4, 14, and 24

Appellant argues that claim 4 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest directly transferring said converted media file to at least one media peripheral located within said first home. The examiner respectfully disagrees. As previously discussed, the transferring of the transcoded data from the proxy receiver, 12, to a number of receivers, 30A-N, which may be a set-top box (STB), a television (TV), a video cassette recorder (VCR), a personal video recorder (PVR), a

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personal digital assistant (PDA), a personal computer (PC) a video game console, and/or a mobile/cell phone (Fig. 1,3,&4; paragraphs [0012], 0028], [0033], [0035], [0037], & [0044]). Appellant further argues “converted media file” refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language (one or both of presentation and/or playback) does not limit second format strictly to playback at a second geographic location. The second format could simply aim at presenting media file at the first location.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 4, 14, and 24 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

E. Dependent claims 5, 15, and 25

Appellant argues that claim 5 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest distributing said converted media file to one or both of a media peripheral within said first home and/or a media peripheral within said second home via one or both of a wired and/or a wireless connection. As previously discussed, Dureau discloses the use of a proxy receiver, 12, in converting received data from one format to another and distributing converted data to a number of receivers, 30A-N, via a wired/wireless connection (Abstract; Figs. 1&3; paragraphs [0033-0035] & [0037]). Appellant further argues “converted media file” refers to a format for playback/presentation at a second geographic location. The examiner points out that

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present claim language (one or both of a media peripheral within said first home and/or a media peripheral within said second home) does not limit second format strictly to playback at a second geographic location. The second format could simply aim at presenting media file at the first location.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 5, 15 and 25 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

F. Dependent claims 7, 17, and 27

Appellant argues that claim 7 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest storing said converted media file in one or both of a network attached storage and/or a storage area network within one or both of said first home and/or said second home. The examiner respectfully disagrees. As previously stated use of a mass storage unit 314 in storing the transcoded content (Figure 5; Paragraphs 0038, 0042 and 0043) Appellant further argues "converted media file" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language does not limit second format strictly to playback at a second geographic location. The second format could simply aim at storing converted media file at the first location.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 7, 17,

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and 27 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

G. Dependent claims 8, 18, and 28

Appellant argues that claim 8 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest retrieving said stored converted media file; and displaying on said television screen within said first home, said retrieved converted media file. The examiner respectfully disagree. As previously stated the storage of transcoded data in mass storage device 314 prior to transmission, such as format 530A destined for television output (Figure 5; paragraph 0043) Appellant further argues "converted media file" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language does not limit second format strictly to playback at a second geographic location. The second format could simply aim at storing converted media file at the first location.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 8, 18, and 28 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

H. Dependent claims 10, 20, and 30

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 10, 20,

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and 30 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

I. Dependent claim 31

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 21. Accordingly, claim 31 is not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 21.

Rejection Under 35 U.S.C. 103 (a) over Dureau, Lu, and Kaars

A. Dependent claims 6, 16, and 26

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claims 1, 11, and 21. Accordingly, claims 6, 16, and 26 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1, 11, and 21.

B. Dependent claims 9, 19, and 29

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claims 1, 11, and 21. Accordingly, claims 9, 19, and 29 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1, 11, and 21.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KL

/Kunal Langhnoja/

Conferees:

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427

/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421